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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/974,513	10/11/2001	Donald Tremblay		7321

30636 7590 01/26/2005
FAY KAPLUN & MARCIN, LLP
150 BROADWAY, SUITE 702
NEW YORK, NY 10038

EXAMINER	
MEISLIN, DEBRA S	
ART UNIT	PAPER NUMBER

3723

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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Commissioner for Patents

See attached letter.


Debra S Meislin
Primary Examiner
Art Unit: 3723

1. The reply filed on December 3, 2004 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

The substitute specification, filed December 3, 2004, has not been entered. A substitute specification must be made in the following manner:

The specification, other than the claims, may also be amended by submitting:

- (i) An instruction to replace the specification; and
- (ii) A substitute specification in compliance with § 1.125(b) and (c).

A substitute specification submitted under this section must be submitted with markings showing all the changes relative to the immediate prior version of the specification of record. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. An accompanying clean version (without markings) must also be supplied. Numbering the paragraphs of the specification of record is not considered a change that must be shown pursuant to this paragraph.

It is noted that the immediate prior version of the specification of record was filed August 26, 2002, paper number 5, and approved by the examiner in paper number 6, mailed November 15, 2002.

The amendment of the claims must show all changes relative to the immediate prior version of the claims of record. The immediate prior version of the claims included claim 1 (cancelled) and pending claims 2 and 3. Consequently, applicant's new claims must be numbered beginning with claim number 4. The claims set forth in non-entered amendments are not pending claims. It is noted that applicant's request for continued


examination particularly requested that the amendments filed January 13, 2003 and March 10, 2003 NOT be entered.

2. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra S Meislin whose telephone number is 571 272-4487. The examiner can normally be reached on M-F, alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 571 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Debra S Meislin
Primary Examiner
Art Unit 3723

January 24, 2005